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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,054	06/24/2004	Migaku Suzuki	930055-2029	9171

7590 03/08/2007
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EXAMINER

ANDERSON, CATHARINE L

ART UNIT	PAPER NUMBER
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3761

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/500,054

Applicant(s)

SUZUKI ET AL.

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 1 December 2006 have been fully considered but they are not persuasive.

In response to the applicant's argument that Ryan fails to disclose a trap portion and instead discloses a deflection shield, it is noted that the deflection shield of Ryan deflects liquid above the sheet, but also functions to trap liquid below the sheet in the absorbent area 82, as shown in figure 6. Therefore, the deflection shield, or trap, of Ryan, performs the function of both deflecting urine away from the wearer and trapping and holding urine in the absorbent area.

With respect to the amendment to claim 1 further limiting the trap portion to hold at least one end of the absorptive body, it is noted that the present specification does not clearly define the scope of the limitation requiring that the 'trap portion holds at least one end of the absorptive body.' The trap 74 of Ryan overlaps the end portion of the absorptive body 82, as shown in figure 6, and therefore fulfills the limitations of the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-17, 20-33, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryan (5,716,350).

Ryan discloses an absorptive product comprising an absorbent body 82 and a liquid-impermeable trap portion 74, as shown in figure 6. The trap portion 34 overlaps, and therefore holds, the absorbent body 82, as shown in figure 6.

With respect to claim 2, the trap portion 74 is formed of a liquid-impermeable sheet, as disclosed in column 4, lines 35-39.

With respect to claim 3, the trap portion 74 has an opening 88, as shown in figure 7.

With respect to claims 4 and 5, the opening 88 extends in both the longitudinal and width directions, as shown in figure 7.

With respect to claim 6, the absorbent body 82 straddles the opening 88, as shown in figure 6.

With respect to claim 7, the aperture 88 extends through to the opposite side of the sheet, as shown in figure 7.

With respect to claim 8, a pair of flaps 76 extend along the side edges of the absorbent body 82 with the trap portion 74 formed between the flaps, as shown in figure 6.

With respect to claim 9, the trap portion 74 extends across both sides of the absorbent body 82, as shown in figure 6.

With respect to claim 10, a guiding member 76 guides liquid into the absorbent body 82, as shown in figure 6.

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With respect to claim 11, the trap portion 74 is formed from a liquid impermeable sheet, as disclosed in column 4, lines 35-39, and comprises a guiding section 94, as shown in figure 7.

With respect to claims 12-14 and 21, the trap portion has an outer bag 42 and an inner bag 38 comprising a folded portion 63, as shown in figure 3.

With respect to claim 15, a dislocation prevention member 92 is provided between the absorbent body 82 and the sheet, as shown in figure 6.

With respect to claim 16, a pair of elastics 76 are joined along the sides of the sheet, as shown in figure 6.

With respect to claims 17 and 33, the absorbent body 84 is formed on a nonwoven substrate, the topsheet of the diaper, and may be defined as portions along prescribed intervals.

With respect to claims 20 and 22, the methods disclosed merely claim the formation of the claimed invention. Therefore, the formation of the finished products disclosed by Ryan fulfill the limitations of the claims.

With respect to claim 23, a fitting section 92 to which the absorptive product is attached, as shown in figure 6.

With respect to claims 24-32, the absorptive product is fitted into an incontinence garment, which is a type of underpants, as shown in figure 1.

With respect to claim 35, a backup sheet 72 and guiding sheet 76 are provided, as shown in figure 6, to trap and guide urine.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-19 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan (5,716,350) in view of Kolb.

Ryan discloses all aspects of the claimed invention with the exception of the absorbent body comprising 50-95% superabsorbent and having a hydrodisintegrative characteristic. Kolb teaches an absorbent body for an absorbent article comprising at least 50% superabsorbent, as disclosed in column 2, lines 40-41, which allows the absorbent body to disintegrate in water so it may be flushed, as disclosed in column 1, lines 47-58. It would therefore be obvious to one of ordinary skill in the art at the time of invention to provide the absorbent article of Ryan with the absorbent body of Kolb to allow the article to be flushable.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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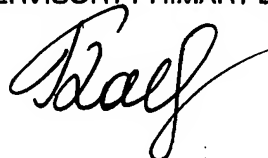
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CMA
cla

March 2, 2007

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in cursive script, appearing to read 'Tatyana', written in black ink.